



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

JUN 17 2003

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Scott Hatch  
2105 N. Buchanan Ct.  
Arlington, VA 22207

RE: MUR 4953

Dear Mr. Hatch:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended. The Commission has issued the attached Subpoena to Produce Documents and Order to Submit Written Answers which requires you to provide certain information in connection with an investigation it is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this Subpoena and Order. However, you are required to submit the information within 30 days of your receipt of this Subpoena and Order. All answers to questions must be submitted under oath.

Mr. Scott Hatch  
MUR 4953  
Page 2

If you have any questions, please contact me at (800) 424-9530 or (202) 694-1650.

Sincerely,

*Marianne Abely*

Marianne Abely  
Attorney

Enclosure:  
Subpoena and Order

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

MUR 4953

**SUBPOENA TO PRODUCE DOCUMENTS**  
**ORDER TO SUBMIT WRITTEN ANSWERS**

**TO: Mr. Scott Hatch**  
**2105 N Buchanan Court**  
**Arlington VA 22207**


Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the

above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

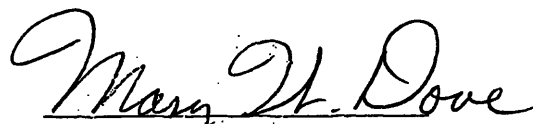
Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

WHEREFORE, the Chair of the Federal Election Commission has hereunto set her hand  
in Washington, D.C. on this 16<sup>th</sup> day of June, 2003.

For the Commission,

  
Bradley A. Smith  
Vice Chairman

ATTEST:

  
Mary W. Dove  
Secretary to the Commission

Attachments

Instructions and Definitions

Questions and Document Requests

**INSTRUCTIONS**

In answering this Subpoena to Produce Documents and Order to Submit Written Answers, furnish all documents and other information, however obtained, including hearsay, that is in your possession, custody or control.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary, or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1999 through January 1, 2000.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

**DEFINITIONS**

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named person to whom these discovery requests are addressed, including all employees, whether paid or unpaid; agents; co-workers; volunteers; subordinates; staff; or attorneys thereof. References to persons "working for or voluntarily assisting you" refer to any person performing any services on your behalf or at your direction, whether paid or

1 unpaid, including, but not limited to any persons employed by you under a personal services  
2 contract.

3  
4 The "U.S. Family Network" ("USFN") shall mean any entity trading as or registered  
5 under the names of the "U.S. Family Network" or the "USA Family Network," or any entity that  
6 is an affiliate of, subsidiary of, or similarly related to the "U.S. Family Network" or the "USA  
7 Family Network," its officers and staff, whether paid or unpaid; board members; agents;  
8 representatives; volunteers; and attorneys thereof.

9  
10 The "National Republican Congressional Committee" ("NRCC") shall mean the political  
11 committee of that name, including, its officers and staff, whether paid or unpaid; board members;  
12 agents; representatives; volunteers; and attorneys thereof.

13  
14 "Americans for Economic Growth" ("AEG") shall mean the organization of that name,  
15 including, all officers; board members; staff, whether paid or unpaid; agents; volunteers and  
16 attorneys thereof.

17  
18 "Persons" shall be deemed to include both singular and plural, and shall mean any natural  
19 person, partnership, committee, association, corporation, or any other type of organization or  
20 entity.

21  
22 "Document" shall mean the original and all non-identical copies, including drafts, of all  
23 papers and records of every type in your possession, custody or control, or known by you to exist.  
24 The term document includes, but is not limited to books, letters, e-mails, contracts, notes, diaries,  
25 log sheets, records of telephone communications, transcripts, vouchers, accounting statements,  
26 ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets,  
27 circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video  
28 recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all  
29 other writings and other data compilations from which information can be obtained. The term  
30 documents also includes electronic copies and all temporary and permanent storage devices  
31 under your control, including but not limited to, hard drives, servers, cd roms, discs, jazz discs,  
32 zip discs, tape storage and tape back-up systems, cd and optical back-up systems, electronic logs,  
33 e-mail and e-mail back-up systems. If a document is maintained on or in a magnetic or electronic  
34 medium (for example, but not limited to, computer tape, diskette, or CD-ROM), provide both  
35 "hard" (i.e., paper) and "soft" (i.e., in the magnetic or electronic medium) copies, including  
36 drafts, and identify the name (e.g., WordPerfect, Microsoft Word for Windows, Pro Write, etc.)  
37 and version numbers by which the documents will be most easily retrieved.

38  
39 "Identify" with respect to a document shall mean state the nature or type of document  
40 (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document  
41 was prepared, the title of the document, the general subject matter of the document, the location  
42 of the document, the number of pages comprising the document, the author of the document, and  
43 all recipients of the document (including all persons, other than the primary recipient of the  
44 document, who received copies).

1  
2 "Identify" with respect to a person shall mean state the full name, the most recent  
3 business and residential addresses, the present occupation or position of such person, and the  
4 nature of the connection or association that person has to any party in this proceeding. "Identify"  
5 shall further encompass stating the person's telephone carrier(s) (both land-line and cellular)  
6 during the relevant time period, as well as, stating that person's fax number and telephone  
7 number(s) with extension(s).

8  
9 If the person to be identified is not a natural person, provide the legal and trade names,  
10 the address and telephone number, and the full names of both the chief executive officer and the  
11 agent designated to receive service of process for such person.

12  
13 "And" as well as "or" shall be construed disjunctively or conjunctively as necessary to  
14 bring within the scope of these interrogatories and request for the production of documents any  
15 documents and materials which may otherwise be construed to be out of their scope.  
16

## QUESTIONS AND DOCUMENT REQUESTS

1  
2  
3 1. State all positions, paid and unpaid, held by you at the NRCC. For each position  
4 listed, state your duties and responsibilities, the time period(s) you held such position(s) and  
5 identify to whom you reported, and who reported to you.  
6

7 2. For the relevant time period, please provide your office address and office  
8 telephone, facsimile, and cellular telephone numbers.  
9

10 3. State whether you played any role in the NRCC's sponsorship in the fall of 1999  
11 of advertisements or other communications to the general public that related to the issue of  
12 Social Security, parts of which advertising program may have been referred to as "Stop the  
13 Raid." If the answer is in the affirmative:  
14

15 a. State what your role was in the NRCC's sponsorship of such advertisements or  
16 other public communications;  
17

18 b. Identify the person(s) at the NRCC with whom you communicated regarding such  
19 advertisements or other public communications, and;  
20

21 c. Produce any and all documents that reflect, refer to or relate to the NRCC's  
22 sponsorship in the fall of 1999 of advertisements or other communications to the general public  
23 that related to the issue of Social Security, including but not limited to, any documents that relate  
24 to communications regarding these advertisements or other public communications.  
25

26 4. State whether you played any role in considering the NRCC's donation or transfer  
27 of \$500,000 to the USFN on or about October 20, 1999. If the answer is in the affirmative:  
28

29 a. State what your role was in considering the NRCC's transfer of \$500,000 to the  
30 USFN and identify the person(s) at the NRCC with whom you communicated regarding this  
31 donation or transfer to funds;  
32

33 b. Identify the person(s) on the USFN's behalf who solicited or requested that the  
34 NRCC donate or transfer these funds;  
35

36 c. Identify the person(s) from the NRCC who considered, rejected or approved the  
37 USFN's solicitation(s) or request(s) for a donation or transfer to funds;  
38

39 d. Identify the person(s) from the NRCC and the USFN with whom you discussed  
40 the NRCC's donation or transfer of \$500,000 to the USFN on or about October 20, 1999;  
41

42 e. Produce any and all documents that reflect, refer to or relate to the NRCC's  
43 donation or transfer of \$500,000 to the USFN on or about October 20, 1999, including but not  
44 limited to, any documents concerning the use(s) of any of the transferred or donated funds.



1  
2           5.       State whether the NRCC knew at any time prior to, or at the time of, the transfer  
3 of \$500,000 to the USFN on or about October 20, 1999 that the USFN intended to transfer a  
4 portion of the funds donated or transferred by the NRCC to AEG or any other third parties or  
5 groups. If the answer is in the affirmative:

6  
7           a.       Identify the NRCC personnel who were in possession of this information;

8  
9           b.       Produce all documents that reflect, refer to or relate to this information, including  
10 but not limited to, any documents that relate to this information.

11  
12           6.       State whether the NRCC entered into an agreement or arrangement with the  
13 USFN whereby all or a portion of the monies transferred to the USFN on October 20, 1999  
14 would be transferred to AEG. If the answer is in the affirmative:

15  
16           a.       Identify the person(s) at the USFN and NRCC who agreed or arranged that all or a  
17 portion of these funds would be transferred to AEG;

18  
19           b.       Produce all documents that reflect, refer to, or relate to the agreement or  
20 arrangement, including but not limited to, any documents that relate to communications  
21 regarding the agreement or arrangement.

22  
23           7.       State when the NRCC first learned that AEG intended to sponsor an advertising  
24 campaign relating to the issue of Social Security in the fall of 1999, and;

25  
26           a.       Identify any person(s) at the NRCC who first learned this information and identify  
27 the person(s) from whom they obtained this information;

28  
29           b.       Produce any and all documents that reflect, refer to or relate to this information,  
30 including not limited to, any documents that relate to communications regarding this information.

31  
32           8.       Describe the NRCC's document retention and destruction policies during the  
33 relevant time period and identify the person(s) responsible for ensuring that these policies were  
34 followed. If such policies are reflected in documents, produce the documents.

35  
36           9.       Produce all calendars that reflect, refer to, or relate to your business activities  
37 during the relevant time period as they concern the NRCC, the USFN, the receipt of funds from  
38 the NRCC and the transfer of funds to AEG.  
39